

Tarek H. Zohdy (SBN 247775)
Tarek.Zohdy@capstonelawyers.com
Cody R. Padgett (SBN 275553)
Cody.Padgett@capstonelawyers.com
Trisha K. Monesi (SBN 303512)
Trisha.Monesi@capstonelawyers.com
Capstone Law APC
1875 Century Park East, Suite 1000
Los Angeles, California 90067
Telephone: (310) 556-4811
Facsimile: (310) 943-0396

Attorneys for Plaintiffs
Rebecca Padilla and Kimberly Owens

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

REBECCA PADILLA and
KIMBERLY OWENS, individually,
and on behalf of a class of similarly
situated individuals.

Plaintiffs.

V.

THE WHITEWAVE FOODS COMPANY dba WHITEWAVE SERVICES, INC., a Delaware corporation; DANONE US, LLC, a Delaware limited liability company; and DANONE NORTH AMERICA, LLC, a Delaware limited liability company,

Defendants

Case No.: 2:18-cv-09327-JAK-JC

Hon. John A. Kronstadt

**JOINT STIPULATION TO AMEND
COMPLAINT TO NAME PROPER
DEFENDANTS AND DISMISS
IMPROPERLY NAMED
DEFENDANTS WITHOUT
PREJUDICE**

Complaint Filed: October 31, 2018
Trial Date: None Set

1 Plaintiffs REBECCA PADILLA and KIMBERLY OWENS, individually
2 and on behalf of a class of similarly situated individuals (“Plaintiffs”) and
3 Defendants THE WHITEWAVE FOODS CO. d/b/a WHITEWAVE SERVICES,
4 INC.; DANONE US, LLC; and DANONE NORTH AMERICA, LLC
5 (“Defendants”), by and through their respective undersigned counsel, hereby
6 stipulate and agree to the following:

7 **WHEREAS**, on October 31, 2018, Plaintiffs filed the above-captioned
8 class action lawsuit (the “Action”) alleging various consumer protection claims
9 against Defendants;

10 **WHEREAS**, on December 21, 2018, Defendants’ counsel informed
11 Plaintiffs’ counsel that the currently-named Defendants are indirect affiliated
12 companies which do not directly manufacture, distribute, or sell the Vega products
13 at issue in Plaintiffs’ complaint, and that the proper defendants are Sequel
14 Naturals ULC and Vega US, LLC;

15 **WHEREAS**, as a result of those discussions and representations made by
16 Defendants, Plaintiffs have agreed to dismiss The WhiteWave Foods Co. d/b/a
17 WhiteWave Services, Inc., Danone US, LLC, and Danone North America, LLC
18 without prejudice from this Action but reserve their right to subsequently rename
19 any or all of those entities as a party to this Action, if appropriate or necessary;

20 **WHEREAS**, no consideration, direct or indirect, has been or will be given
21 for the dismissal;

22 **WHEREAS**, Sequel Naturals ULC, and Vega US, LLC by and through
23 their counsel, has confirmed that they are the properly named defendants in this
24 Action; and

25 **WHEREAS**, nothing in this Stipulation is intended to constitute or imply
26 any admission of liability or wrongdoing by any party in the Action.

27 The Parties, **THEREFORE**, agree and stipulate to the following, subject to
28 the Court’s approval:

1. The WhiteWave Foods Co. d/b/a WhiteWave Services, Inc., Danone
2 US, LLC, and Danone North America, LLC are dismissed without
3 prejudice from this Action; and
4
2. Plaintiffs shall file an amended complaint on or before January 25,
5 2019, to add Sequel Naturals ULC and Vega US, LLC as defendants.

6 Dated: January 15, 2019

Respectfully submitted,

7 Capstone Law APC

9 By: /s/ Tarek H. Zohdy
10 Tarek H. Zohdy

11 Trisha K. Monesi
12 Cody R. Padgett

13 Attorneys for Plaintiffs

14 Dated: January 15, 2019

15 DLA PIPER US LLP

16 By: /s/Angela C. Agrusa
17 Angela C. Agrusa

18 Attorneys for Defendants

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